



THOMAS L. GARTHWAITE, M.D.
Director and Chief Medical Officer

FRED LEAF
Chief Operating Officer

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
313 N. Figueroa, Los Angeles, CA 90012
(213) 240-8101

BOARD OF SUPERVISORS

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June 9, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL BY THE COUNTY TO DECLINE TO CONTRACT
WITH AMERICA UNITED CARES**
(All Districts) (3 Votes)

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chair to sign the attached letter to the State Department of Alcohol and Drug Programs advising of the County's decision declining to contract for Drug Medi-Cal services with America United Cares.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

In approving the recommended action, the Board is declining to contract with America United Cares (AUC). AUC is State Department of Alcohol and Drug Programs (SDADP) certified to provide Drug Medi-Cal services. AUC is requesting to contract directly with the SDADP and the SDADP has been advised of AUC's request. The Department of Health Services' Alcohol and Drug Program Administration has reviewed the matter and recommends that the County decline to contract with AUC. If the Board declines to contract with AUC, as requested by AUC, the SDADP will contract directly with AUC.

FISCAL IMPACT/FINANCING:

This action has no fiscal impact.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

On August 19, 1994, as a result of the case Sobky v. Smoley, the Federal court ordered the SDADP to: 1) ensure availability of Medi-Cal methadone maintenance treatment services throughout the State, either through direct contracts or through subcontracts with various counties, where licensed methadone

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maintenance treatment programs are available to non-Medi-Cal patients; 2) expedite certain requests for licensed methadone maintenance treatment providers for DMC provider certification; 3) ensure that all DMC eligible persons receive methadone maintenance treatment services with "reasonable promptness"; and 4) ensure that no DMC eligible person be put on a waiting list to receive services due to budgetary constraints. While the court's judgment specifically focused on methadone maintenance treatment services, the SDADP applied the judgment to all drug abuse treatment programs supported by DMC funding.

As a result, Health and Safety Code Section 11758.43 requires the SDADP to contract directly with certified providers, when the County declines to contract with the provider. However, before it can do so, the SDADP requires the County Board of Supervisors to inform the SDADP in writing, stating its intent not to contract with the provider.

The Department of Health Services' Alcohol and Drug Program Administration has reviewed the matter and recommends that the County decline to contract with AUC. AUC does not object to this action.

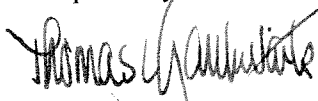
Attachment A is a letter to the SDADP for the Board Chair's signature stating the County's intent not to contract with AUC. County Counsel has approved the letter as to form.

IMPACT ON CURRENT SERVICES (OR PROJECTS):

There is no impact on current services.

When approved, this Department requires three signed copies of the Board's action and three signed and certified copies of the letter to the SDADP for transmittal to the State.

Respectfully submitted,



Thomas L. Garthwaite, M.D.
Director and Chief Medical Officer

TLG:rf

Attachment

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

America United Cares.rf.wpd

ATTACHMENT A

June 21, 2005

Kathryn P. Jett, Director
California Department of Alcohol and Drug Programs
1700 K Street
Sacramento, CA 95814

Dear Ms. Jett:

At the Board of Supervisors' meeting held June 21, 2005, we took action to decline to contract for Drug Medi-Cal services with America United Cares for all State-certified sites in Los Angeles County.

Enclosed is an executed copy of our Board's order.

Very truly yours,

Gloria Molina, Chair
First Supervisorial District

Enclosure